IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 10369 of 2007(H)

PETITIONER:

FAZALUL ABIDEEN,
S/O. MOIDEEN,
AGED 23 YEARS,
PALISSERY HOUSE,
ANGADIPURAM,
MALAPPURAM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

---

1. THE SQUAD LEADER,
   SPECIAL SQUAD FOR SAND,
   OFFICE OF THE REVENUE DIVISIONAL OFFICER,
   PERINTHALMANNA.

2. THE DISTRICT COLLECTOR,
   MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
   PERINTHALMANNA POLICE STATION.

4. THE EDAVANNA GRAMA PANCHAYAT,
   REP. BY ITS SECRETARY.

5. STATE OF KERALA, REP. BY THE CHIEF SECRETARY
   TO GOVERNMENT, SECRETARIAT, TRIVANDRUM.

BY GOVT. PLEADER SMT. T.B.RAMANI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/3/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.10369 of 2007

DT. MARCH 26, 2007

JUDGMENT

Government Pleader takes notice on behalf of respondents 1 to 3. Heard both sides.

2. Since the 2nd respondent is the adjudicating authority and since the adjudication is apparently going on, this writ petition will stand disposed of at this stage with the following directions:-

The 2nd respondent will finalise the adjudication proceedings at his earliest and, at any rate, within four months of receiving copy of this judgment. In the meanwhile if the petitioner prefers an application before the 2nd respondent for immediate release of his vehicle having registration No.KL 7W 7781 and the sand pending adjudication before the 2nd respondent, the 2nd respondent will pass early orders on the same, that is, within seven days of registration of the interlocutory application. Decision will be taken by the 2nd respondent on that application for interim reliefs taking into account the judgment of this court reported in **Moosakoya v. State of Kerala - 2005 (4) KLT 331** and also the judgment of the Supreme Court reported in **Sunderbai Ambalal Desai v. State of Gujarat - SC 2003 (2) KLT 1089** and any other judicial pronouncement which may be cited by the petitioner before the 2nd respondent in support of his application. As far as possible the District Collector will take note of the conditions which used to be imposed by this court while passing interim orders of release of vehicles involved in similar cases pending adjudication by the District Collector.

PIUS C. KURIAKOSE, JUDGE.